

SERVICE DATE – JUNE 14, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 181X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–
IN LANCASTER COUNTY, NE

Decided: June 13, 2002

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152.50 to abandon a 9.0-mile line of railroad over the Jamaica Industrial Lead from milepost 57.0 to the end of the line at milepost 66.0 in Lincoln, Lancaster County, NE.¹ On October 16, 2001, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the City of Lincoln, Nebraska (City), to negotiate an interim trail use/rail banking agreement with UP for the right-of-way involved in this proceeding. The negotiating period was scheduled to expire on April 15, 2002, but was extended to June 14, 2002, by decision served April 11, 2002.

By facsimile filed on June 13, 2002, the City requests that the negotiation period under the NITU be extended until December 14, 2002.² The City states that it and UP have been unable to complete negotiations, and that discussions have been delayed awaiting accurate descriptions and appraisals of the property. UP agrees to the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ An extension of the negotiating period will promote the establishment of trails and

¹ Notice of the exemption was served and published in the Federal Register on September 17, 2001 (66 FR 40876-77).

² Because the NITU is scheduled to expire on June 14, 2002, a 180-day extension would run until December 11, 2002.

³ See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended to December 14, 2002.⁴

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The negotiating period under the NITU is extended to December 14, 2002.
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

⁴ Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company—Abandonment Exemption—in Jackson, Victoria and Wharton Counties, TX, Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).